

REMARKS

Applicants acknowledge receipt of the Office Action dated October 8, 2008, in which the Examiner objected to the Drawings; rejected claim 4 under § 112, first paragraph; rejected claims 4 and 8-10 under § 112, second paragraph, rejected claims 1-12, 14, and 15 as anticipated by Otsuka (US 5290844).

Applicants have amended the claims and respectfully traverse the rejections for the reasons set out below.

Missing Information Disclosure Statement

Applicants respectfully call to the Examiner's attention the fact that one of the Information Disclosure Statements (IDSs) submitted in the present application appears not to have been considered by the Examiner. Specifically, while the IDSs submitted on 10-15-07 and 8-25-06 were initialed by the Examiner, the IDS submitted on 1-27-06 was not initialed and does not appear in the list of considered documents available in PAIR. Because the IDS was properly and timely submitted, Applicants respectfully request that the Examiner indicate his consideration of the references listed there by initialing the form and placing it in the record for this case.

Applicants would point out that an application corresponding to the present application is currently the subject of an opposition proceeding in Europe. The references listed on the IDS in question (dated 1-27-06) are same as the references cited in the opposition.

Objection to the Drawings

A Replacement Drawing Sheet is filed herewith. On the Replacement Drawing Sheet, which shows Figure 4, the reference numeral for the earth formation layer has been changed from "1" to "4," which places the Figure in conformity with the specification and cures the ground for objection cited by the Examiner.

Rejection of claim 4 under § 112, first paragraph

The Examiner's asserts that claim 4 is not enabled because it recites acronyms and "it is not clear what any of these abbreviations or acronyms represent." Applicants would

respectfully submit that an explanation and/or affirmation of the validity of these acronyms can be found in any reference work relating to elastomers. By way of example, a printout of the “Elastomers” entry from www.wikipedia.org is attached hereto as Exhibit A. The second page lists several types of elastomer. The types mentioned in claim 4 and the specification have been highlighted on that page for ease of reference.

Nonetheless, claim 4 has been amended to replace the acronyms with the long-form names that are recited in the specification.

Rejection of claims 4 and 8-10 under § 112, second paragraph

The amendment to claim 4 cures the ground for the rejection of claim 4 under § 112, second paragraph.

Claim 8 has been canceled and its limitation incorporated into claim 1. The phrase “for example” was eliminated from the language of claim 8 that was incorporated into claim 1. Applicants therefore respectfully submit that claim 1 is not indefinite.

Claim 10, which has been amended to depend from claim 1, has also been amended to delete the phrase “preferably at least 35 wt % salt based on the combined weight of the matrix material and the salt.” Applicants submit that this cures the ground for rejection of claim 10.

Claim 9 has been amended to clarify the language of the claim. Applicants respectfully submit that the amended claim would be readily understood by those skilled in the art. Specifically, the claim recites a Markush group in which the members are metal salts of various compounds.

Applicants do not understand the Examiner’s comments regarding parentheses. If the present amendment does not cure the ground for rejection of claim 9, the Examiner is respectfully requested to telephone the undersigned, so that a further amendment to the claim can be made in accordance with the Examiner’s interpretation of the claim language.

Rejection of claims 1-12, 14, and 15 as anticipated by Otsuka (US 5290844)

Claim 1 has been amended to incorporate the limitation of claim 8, which was indicated to be allowable. Claim 1 and the claims that depend from it are therefore allowable.

Allowable claims

Claim 13 has been amended to incorporate the limitations of claims 1 and 11, thereby placing it in condition for allowance.

Claims 16 and 17 have been indicated to be allowable, for which Applicants thank the Examiner.

New claims 20 and 21 depend from allowable claim 16 and are duplicates of claims 2 and 15, respectively. Claims 20 and 21 therefore do not constitute new matter and are allowable as written.

Conclusion

Applicants believe that the present Response places the case in condition for allowance. Should the Examiner find any impediment to the prompt allowance of the claims that can be corrected by telephone interview, the Examiner is requested to initiate such an interview with the undersigned.

Respectfully submitted,
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